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SIPDIS
ABUJA FOR GEOFFREY MARTINEAU

E.O. 12958: N/A
TAGS: [ETTC](#) [KOMC](#) [NI](#) [IS](#)
SUBJECT: BLUE LANTERN LEVEL 3: FOLLOW-UP TO NIGERIA ON
LICENSE GC 0997-09

REF: A. 2006 BLUE LANTERN GUIDEBOOK
[1](#)B. 09 DAKAR 1230
[1](#)C. 09 STATE 90771

[1](#)1. This is an Action Request. See paragraphs 2-4.

[1](#)2. The Department's Office of Defense Trade Controls Compliance (PM/DTCC) requests Post's assistance in conducting a follow-up inquiry on a request (DDTC case GC 0997-09) for the re-export of three (3) C-130H aircraft from Nigeria to Senegal. The aircraft are defense articles controlled under the International Traffic in Arms Regulations (ITAR) administered by PM/DDTC. Post is requested to complete this Blue Lantern inquiry within 45 days. Lack of response to a Blue Lantern inquiry will affect pending and future license requests involving parties to this license.

[1](#)3. Reason for request:

--PM/DDTC received a request from the Government of Nigeria (GoN) for authorization to sell three C-130H aircraft to the Government of Senegal (GoS). A pre-license Blue Lantern inquiry to Senegal officials revealed that GoS was not/not planning to purchase the aircraft from Nigeria.

Furthermore, documentation included with GC 0997-09 revealed the re-titling of the C-130H aircraft from GoN (Ministry of Defense) to private entity A.D. Consultants (ADCON), Israel, without prior approval from DDTC. ADCON had been selected by GoN to broker the sale of the aircraft. However, no documentation or contract between ADCON and GoN detailing the terms and conditions of the sale was included, nor was documentation on the source, type, and amount of any fees, payments, or other consideration that was to be paid to ADCON for brokering the transaction.

--DDTC has not received any correspondence from GoN notifying DDTC of the canceled transaction or of current ownership status of the aircraft.

[1](#)4. ACTION: The Department requests that Post contact the Government of Nigeria to gather details regarding the canceled transaction and any potential new sale.

The following points are included for guidance:

- Please explain the current ownership status of the aircraft.
- Who owns the legal title to the aircraft?
- Where are the aircraft currently located?
- Why did the GoN re-title the aircraft to ADCON?

--Is the GoN aware that authorization from the Department of State, Directorate of Defense Trade Controls is required for the retransfer of US-origin military equipment, including re-titling or retransfers to new end-users within Nigeria?

--Would the GoN provide contractual or other documentation identifying the terms and conditions of sale of the C-130H aircraft to ADCON?

--To date, has any money been exchanged for the aircraft?

--To date, have any fees or commissions been paid?

--Does GoN intend to sell the aircraft to a different end-user?

--Will ADCON broker any potential sale?

--Who will refurbish the aircraft should a sale be finalized?
Will ADCON be responsible for the oversight and payment of the refurbishment?

END ACTION.

15. Details of license application:

DTC CASE: GC 0997-09

QUANTITY/COMMODITY:

3 - C-130H Aircraft

Aircraft No. NAF 914, Serial No. 4649

Aircraft No. NAF 915, Serial No. 4650

Aircraft No. NAF 916, Serial No. 4962

License Value: \$6,100,000 USD

SELLER:

Nigerian Ministry of Defense
Office of the Permanent Secretary
Ship House
Olusegun Obasanjo Way
Area 10, P.M.B. 196, Garki, Abuja
Nigeria
Tel: 09-2348970
Fax: 09-2340708

FOREIGN CONSIGNEE:

ADCON
7, Golda Meir St. Science Park
Nes-Ziona 74036
Israel
POC: Mr. Gabriel Pereiz, President & CEO

FOREIGN INTERMEDIATE CONSIGNEE:

Denel (Pty) Ltd.
Nellmapius Drive, Irene
P.O. Box 8322, Centurion, 0446
South Africa
Tel: 27 (0)11 9272895
Mobile: 27 (0)83 628 1679
POC: Mr. Albert van Oldenmark

Denel was to be contracted by ADCON to service and refurbish the aircraft to ensure their sky-worthiness.
Value of Denel services: \$32,729,765.

FOREIGN END-USER:

Ministry of Armed Forces of the Republic of Senegal
Building de Direction Administrative 1, 8ieme etage
Dakar, Senegal
POC: Mr. Becaye Diop, Minister of Armed Forces of the

Republic of Senegal

PURPOSE:

Transport of cargo and troops inside Senegal, and for UN missions outside Senegal.

¶6. Submitted in support of license application GC 0997-09 were the following documents (PM/DTCC will fax documentation to Post upon request):

--General Correspondence Transmittal Letter, signed by Bukar Goni Aji, Permanent Secretary for the Minister of Defense of Nigeria, dated 28 April 2009.

--Bill of Sale for 3 C-130 aircraft from GoN to ADCON, signed by D.A. Muhammed, dated 22 May 2007.

--End-User Certificate signed by Mr. Becaye Diop, Minister of Armed Forces, Senegal, dated 2 May 2009.

--DSP-83 Non-Transfer and Use Certificate signed by Mr. Bukar Goni Aji, Ministry of Defense Nigeria, dated 20 March 2009, and Mr. Becaye Diop, Minister of Armed Forces, Senegal, dated 23 March 2009.

--Denel's "Proposal for the Recovery, Relocation, and Service of the ADC C-130H Aircraft 914, 915, 916" dated 28 November ¶2008.

¶7. Please slug reply for PM/DTCC - BLUE LANTERN COORDINATOR and include the words "Blue Lantern" and the case number in the subject line. POC is Meredith Sundlof. Phone: 202-663-3455; Email: SundlofME@state.gov; SIPRNET: SundlofME@state.sgov.gov. The Blue Lantern Guidebook (ref) is available as a PDF file at [http://www.intelink.sgov.gov/wiki/Blue Lantern End-Use Monitoring Program](http://www.intelink.sgov.gov/wiki/Blue_Lantern_End-Use_Monitoring_Program).

¶8. Department is grateful for Post's assistance in this matter.
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